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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,574	08/27/2001	Takako Asahi	35.C15720	1603
5514	7590	01/13/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/938,574

Applicant(s)

ASAHI, TAKAKO

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14-19 and 27 is/are rejected.
- 7) ☒ Claim(s) 7-13 and 20-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some \* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## Detailed Action

### 1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 14-19 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith.

With respect to claim 1, Smith teaches a data communication apparatus shown by figure 1, comprising: a memory 103 for storing plural data; transmission means (modem 110) for transmitting the plural data stored in memory 103; display means (104) for displaying different situations (group representations of different group configurations) stored in the memory; control means (processor 102, cursor 105 and keyboard 106) for controlling a change order of the display for data that is being transmitted. Smith teaches to conserve the amount of data that is to be displayed on a screen, only a representative of the group of data is chosen. For example, if there are 15 data objects one may assign the word "true" to this object and "false" to the other 14

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objects. The object that has been identified with "true" will be displayed while the others will not. The operator can select a different object other than the previous one selected by assigning a "true" to that object and "false" to the others. Hence, one is able to change the order of data as it appears on the monitor for processing and transmission. See para. 41, last 11 lines, see para. 48, 40, 56, 60, 62, 67 and 77.

With respect to claims 2 and 15, Smith teaches that objects of a group are displayed on the monitor (display step) so that they may represent the group from which the object belongs. A true value is assigned to the representative value and a false value is assigned to the objects of the group that are not illustrative of the group. This information is displayed on the monitor so that the operator can program the designations of the representative objects in the future. See paras. 48, 56 and 67.

With respect to claims 3, 4, 16 and 17 the shifting of data either up or down is inherent by use of the cursor control 105 for causing data to move with respect to a cursor.

With respect to claims 5 and 18, Smith teaches displaying a representative object given the situation when the other objects of the group are incapable of being displayed

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at the same time. Smith teaches the inherent use of scrolling the screen by use of the cursor control 105.

With respect to claim 6 and 19, automatic scrolling is inherent by use of the cursor control 105 which automatically selects the data designated by the cursor of the keyboard which is to be processed and transmitted.

With respect to claim 14, Smith teaches a data communication method performed by the apparatus shown in figure 1, comprising: a display step (via monitor 104) for displaying plural data stored in memory device 102 so as to cause a data communication apparatus 110 to transmit that data; a judgment step (executed via processor 102) for determining if plural data exists to be transmitted. Note, judgment is made as to whether an object belongs to a specific group of data that is to be processed and transmitted, see para. 60 and 67

With respect to claim 27, Smith teaches a ROM 108 and RAM 107 which may be tied together for storing software, according to para. 44 to be executed by a computer 100 comprising: a display step (via monitor 104) for displaying plural data stored in memory device 102 so as to cause a data communication apparatus 110 to transmit that data; a judgment step (executed via processor 102) for determining if plural data exists to be transmitted. Note, judgement is made as to whether an object belongs to a specific group of data that is to be processed and transmitted, see para. 60 and 67

2. Claims Objected

Claims 7 –13 and 20-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

JEROME GRANT II  
PRIMARY EXAMINER

